UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE
DALLAS, TEXAS 75202-2733

Date: June 22, 2003

STATEMENT OF BASIS
Minor New Source Review (NSR)/Title V No. R6DPA-GM3

I. NOTICE OF INTENT TO ISSUE A PERMIT.

The Environmental Protection Agency has made a tentative determination to issue a minor New Source Review (NSR) construction permit/Title V operating permit to Gulf Landing LLC, Gulf of Mexico. This is a new project and has never received either a Federal construction or operating permit in the past.

II. APPLICANT.

The applicant is: Gulf Landing LLC
1302 McKinney, Suite 700
Houston, TX 77010

Contact: Matthew Zerafa
Gulf Landing HSE Engineering and Regulatory Affairs Lead
(713) 301-4641

III. PERMITTING AUTHORITY.

The permitting authority is: U.S. Environmental Protection Agency
Region 6, Air Permits Section (6PD-R)
1445 Ross Avenue, Ste. 1200
Dallas, Texas 75202-2733

In accordance with Section 328 of the Clean Air Act (CAA), EPA does not normally administer the CAA in the Gulf of Mexico west of longitude 80 degrees 30 minutes; instead the Minerals Management Service (MMS) is responsible for regulating Outer Continental Shelf (OCS) sources in that area. EPA Region 6 has determined that this proposed facility is not an OCS source.

EPA regards the Deepwater Port Act of 1974, as amended (DPA), as the primary source of its authority to apply the CAA to activities associated with deepwater ports. Section 1518(a)(1) of the DPA provides that "the Constitution, laws, and treaties of the United States" apply to deepwater ports and to activities connected, associated, or potentially interfering with the use or operation of any such port, in the same manner as if the port were an area of exclusive Federal jurisdiction located within a State. The Secretary of Transportation interprets the DPA as

requiring a unified application for all necessary federal permits and close coordination between responsible federal agencies, but not as requiring issuance of a single permit. "Federal Agencies with permit responsibilities such as the EPA and MMS will retain all distinct permit issuance authority." USCG Memorandum, "Environmental Planning Aspects of the Deepwater Port Act" (1 April 2003). Sec. 1502 (9) (D) of the DPA states that a deepwater port "shall be considered a 'new source' for purposes of the Clean Air Act (42 U.S.C. 7401 et seq.)." Therefore, before a deepwater port may be constructed and operated, the owner or operator must receive a Title I preconstruction permit and a Title V operating permit from EPA.

Since these two permits are required to be issued by EPA, we must decide which requirements should be reviewed and evaluated during the permit review process. Pursuant to section 1502(1) of the DPA, the State of Louisiana has been designated as the "adjacent coastal State." In addition, Section 1518 (b) of the DPA provides that the law of the "nearest adjacent coastal State" is the law of the United States and applies to deepwater ports to the extent applicable and not inconsistent with Federal law. All such applicable laws are to be administered and enforced by the appropriate officers and courts of the United States. Under this subsection, the "nearest adjacent coastal State" is "that State whose seaward boundaries, if extended beyond 3 miles, would encompass the site of the deepwater port." In this case that state is the State of Louisiana. Consistent with the requirements of the Louisiana SIP as interpreted by the Louisiana Department of Environmental Quality (LDEQ), emissions produced by LNG vessel propulsion engines during offloading of the LNG were not included in the Potential to Emit (PTE) for this source.

Therefore, in accordance with the DPA and consistent with the provisions of Title I and Title V of the CAA, and applicable rules and regulations, the EPA has prepared a combined Title I minor preconstruction and Title V operating permit. Louisiana's EPA-approved rules and regulations were followed in determining NSR and Title V applicability and the combined permits' proposed conditions, except that EPA is performing the public participation requirements, and establishing the Federal permit fee, Federal submittal addresses, and Federal permit appeal procedures.

This facility is new. No other permits have been issued to this facility.

IV. EPA PERMIT WRITER.

The permit writer is: Shannon G. Snyder
Air Permits Section (6PD-R)
(214) 665-3134

V. FACILITY BACKGROUND AND/OR CONSTRUCTION HISTORY.

Gulf Landing LLC proposes to construct, own, and operate a liquefied natural gas (LNG) terminal. The Gulf Landing Terminal will be an LNG receiving, storage, and regasification facility located offshore of Louisiana in the Gulf of Mexico. It will deliver a peak 1.2 billion

standard cubic feet per day (Bscf/d) of pipeline quality natural gas. The terminal consists of two concrete gravity-based structures (GBS) with a combined footprint approximately 1,119 feet long by 248 feet wide. The GBS will house integral LNG storage tanks, LNG carrier berthing provisions, LNG unloading arms, high-pressure pumps, vaporizers, sales gas heaters, fiscal meters, utility systems, general facilities and accommodations. The vaporization equipment includes the LNG low-pressure in-tank pumps, high pressure pumps, vaporizers, seawater intake pumps, and sales gas heaters. The terminal will be designed to handle a nominal capacity of 7.7 tons per year of LNG. This equates to a nominal vaporization capacity of 1 Bcf/d. There are two LNG storage tanks on the terminal. The net storage capacity of each tank will provide 90,000 m^3, providing a total net storage capacity is 180,000 m^3 of LNG. The deck of the concrete GBS will support the terminal processing and metering equipment. The terminal will include pipeline interconnections with up to five existing offshore natural gas pipelines that will receive the regasified LNG and transport the gas on shore for delivery into the existing onshore natural gas pipeline grid. The vaporized LNG will be metered and delivered into the offshore transportation grid using up to five lateral pipelines. Each of the five metering stations will consist of two to four 10 inch nominal meter tubes to suit the lateral capacity. The pipeline laterals will consist of various lengths of 16" to 36" outer diameter pipe depending on the design capacity, pressure drop considerations, and length of pipeline to the interconnection point.

The process begins with the LNG carriers berthing directly alongside the north side of the GBS. Unloading will be side-by-side using unloading arms located on the eastern GBS, and the LNG will be pumped into the terminal storage tanks. From here, the LNG will be pumped to the process facilities using low-pressure in-tank pumps. High-pressure pumps will pump the LNG to a pressure of up to 1,450 pounds per square inch (psi), which is above the required natural gas send-out pressure. The LNG will be vaporized via open-rack vaporizers (ORV) to natural gas ready for metering and transportation. Seawater will be the ORV heating medium for the LNG vaporization. The vaporized LNG will be metered and delivered to existing offshore natural gas pipelines via up to five interconnections that will be constructed as part of the terminal.

Construction and testing of the facilities is estimated to take approximately 3.5 years from the 2005 construction start to the planned in-service date of January 2009. The terminal will have an expected service life of at least 30 years. Two caissons forming the GBS will be constructed simultaneously in a graving dock built for that purpose. The first caisson will be towed to site and installed before the second caisson. The remainder of the installation will begin after the second GBS caisson is installed and will include: 1) installation of solid ballast material; 2) placement of the scour protection; 3) installation of the seawater intake and outfall structures; 4) hookup and pre-commissioning of the topsides facilities; and 5) hookup and commissioning of the takeaway pipelines (which will be installed before the installation of the GBS caissons). Once these activities are completed a partial shipment of LNG will be used to start up and commission the terminal. EPA guidance on phased construction provides that the plans for all phases should be certain and well-defined, with each phase commencing construction within two years of its projected and approved commencement. The Potential to Emit (PTE) identified in the permit application includes controls and operational limits to ensure that the facility does not exceed the 250 ton per year Prevention of Significant Deterioration (PSD) major source

definition threshold.

VI. EFFECTIVE DATE AND PERMIT DURATION.

Compliance with the final combined permit's conditions is required on the effective date of the permit. The permit will expire five years from the effective date of the permit.

VII. FACILITY LOCATION.

The Terminal will be located approximately 38 nautical miles off the coast of Louisiana in the Gulf of Mexico.

Latitude: 29° 13' 16.5" N
Longitude: 93° 16' 27.3" W

VIII. FACILITY INFORMATION.

a. Identification

This facility is an offshore gas delivery system which will vaporize LNG using regasification equipment for delivery to a downstream infrastructure. EPA has determined that this facility is not a PSD source of the category "fuel conversion plant" found in LAC Title 33, Part III, Section 509, Table A, and in 40 CFR § 52.21. See EPA Office of Air Quality Planning and Standards memorandum from Racqueline Shelton to Guy Donaldson, Request for Guidance on the Definition of Fuel Conversion Plants for Purposes of Prevention of Significant Deterioration (PSD) (July 31, 2003). Specifically, this category was intended to cover only processes where chemical changes occur. The vaporization of LNG to natural gas naturally occurs at ambient temperature without the need for chemical/combustion conversion. Since the proposed facility does not fall under this or any other of the listed PSD source categories, the applicable PSD major source threshold is 250 tpy. The proposed facility is not a major PSD source, since its emissions are restricted by specific conditions in the permit to the following rates: 170.7 tons per year of carbon monoxide; 60.9 tons per year of particulate matter of diameter 10 microns or less (PM10); 143.0 tons per year of oxides of nitrogen; 50.0 tons per year of volatile organic compounds; and 5.6 tons per year of sulfur dioxide. Therefore, the proposed facility is a minor source subject to minor new source review requirements.

SIC Code: 4491

b. Emission Units

The information contained in Tables 1 and 2 comes from Gulf Landing LLC's permit application. Table 1 lists emission units and emission generating activities.

Table 1 - Emission Units

Gulf Landing Project

Emission Unit Id. No.	Description
TURB01	SOLAR Titan 130 - 19501S Axial, Low NOx Turbine No. 1, 16,400 HP, Utilization limited [1]
TURB02	SOLAR Titan 130 - 19501S Axial, Low NOx Turbine No. 2, 16,000 HP, Utilization limited [1]
TURB03	SOLAR Titan 130 - 19501S Axial, Low NOx Turbine No. 3, 16,400 HP, Utilization limited [1]
HEAT01	Sales Gas Heater, LNG vap. - 20 million MMBtu/hr
EGEN01	Emergency Generator No. 1, LNG vap.- 1100 HP, 2% Utilization [2]
EGEN02	Emergency Generator No. 2, LNG vap.- 1100 HP, 2% Utilization [2]
FLAR01	Emergency Flare - emergency and pilot usage only
FUG01	Fugitive Emissions

[1] TURB01, TURB02, and TURB03 are subject to an emissions cap and limited to a total annual runtime of 17,712 hours combined.

[2] Emission rates based on a maximum operation of 192 hrs/yr.

Emission units identified as "insignificant" are listed separately in Table 2. Louisiana's EPA-approved Title V operating permit program allows sources to separately list in the permit application units or activities that qualify as "insignificant" based on potential emissions below 2 tons/year for all regulated pollutants that are not listed as hazardous air pollutants ("HAPs") under section 112(b), and below the lower of 1000 lbs/year or the de minimis level established under section 112(g) for HAPs. However, the application may not omit information needed to determine the applicability of or to impose any applicable requirement, or to calculate the fee. Units that qualify as "insignificant" for the purposes of the Title V application are in no way exempt from applicable requirements or any requirements of the operating permit.

Gulf Landing LLC stated in its permit application that the emission units in Table 2 below qualified as "insignificant." EPA agrees that these emission units meet the State's definition of "insignificant" for Title V purposes.

Table 2 - Insignificant Emission Units
Gulf Landing Project

Description
3 Cranes <600 hp diesel - 338 HP each - operate maximum 52 hours/year each
2 Emergency Fire Water Driver - 1100 hp - operate maximum 52 hours/year each
1 Diesel Storage Tank

c. Permitted Emissions

Table 3 includes emissions data provided by Gulf Landing LLC. Typically, the PTE means the maximum capacity of the a facility to emit any air pollutant under its physical and operational design. However, the PTE identified in the Gulf Landing permit application includes controls and operational limits on the emission rates to ensure the facility does not exceed the 250 ton per year PSD major source definition threshold. Any physical or operational limitation on the capacity of the Gulf Landing Project to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, will be treated as part of its design and the limitation is enforceable by EPA. PTE is meant to be a worst case emissions calculation. Actual emissions may be much lower.

The application states that the PTE, or air emission calculations, were performed using default factors provided by the Minerals Management Service (MMS) Form 139, with the exception that vendor-supplied estimates were used for the solar gas turbines.

Most default emission factors are based on the U.S. EPA's AP-42 Compilation of Air Pollutant Emission Factors. However, emissions for miscellaneous sources such as the tank, flare, and fugitives were based on industry studies, as noted in the MMS Form 139.

The application states that the basis for fuel consumption values are the following:

- Diesel fuel energy content - 145,000 Btu/gallon;
- Diesel engine efficiency factor - 7,000 Btu/HP-hr;
- Natural gas fuel energy content - 1,050 Btu/scf; and
- Natural gas turbine efficiency factor - 10,000 Btu/HP-hr.

For estimates of SO_2 emissions, diesel fuel is assumed to contain 0.4% sulfur, and natural gas has a sulfur content of 3.33 ppm (these are all the default MMS Form 139 factors).

The applicant submitted the Form MMS 139 spreadsheets, located in Appendix C of the application, for the first year of operation. The spreadsheets calculate the estimated maximum pounds per hour and estimated tons per year of emissions. The EPA reviewed the spreadsheets and the methodology behind them and found it adequate for PTE

estimates.

Gulf Landing LLC must also submit annual estimates of *actual* emissions from the Gulf Landing Project for all regulated pollutants as part of the requirement to pay an annual fee required by Title V. EPA will review these submittals for accuracy.

The emission rates in Table 3 may not be exceeded by Gulf Landing LLC.

Table 3 - Permitted Emissions in Tons per Year
Gulf Landing Project

Permitted Emissions Listed in Maximum Pounds Per Hour and Tons Per Year												
ID No.	**Description**	**NOx**		**VOC**		**SOx**		**PM 10**		**CO**		**Opacity**
		lbs/hr	**TPY**	**lbs/hr**	**TPY**	**lbs/hr**	**TPY**	**lbs/hr**	**TPY**	**lbs/hr**	**TPY**	**Not Greater Than**
TURB01	SOLAR Titan 130 - 19501S Axial, Low NOx Turbine No. 1, 16,400 HP, Utilization limited [1]	14.5	63.5	0.5	2.2	0.6	2.4	6.8	29.7	17.7	77.3	20 % Average
TURB02	SOLAR Titan 130 - 19501S Axial, Low NOx Turbine No. 2, 16,000 HP, Utilization limited [1]	14.5	63.5	0.5	2.2	0.6	2.4	6.8	29.7	17.7	77.3	20% Average
TURB03	SOLAR Titan 130 - 19501S Axial, Low NOx Turbine No. 3, 16,400 HP, Utilization limited [1]	14.5	1.4	0.5	0.1	0.6	0.1	6.8	0.7	17.7	1.7	20% Average
CAP01	**Turbine Emissions Cap**	**43.5**	**128.4**	**1.5**	**4.5**	**1.8**	**4.9**	**20.4**	**60.1**	**53.1**	**156.3**	**20% Average**
HEAT01	Sales Gas Heater - Natural Gas	1.9	8.3	0.1	0.5	0.01	0.1	0.1	0.6	1.6	7.0	20% Average

Permitted Emissions Listed in Maximum Pounds Per Hour and Tons Per Year (Continued)												
ID No.	**Description**	**NOx**		**VOC**		**SOx**		**PM10**		**CO**		**Opacity**
		lb/hr	**TPY**	**lb/hr**	**TPY**	**lb/hr**	**TPY**	**lb/hr**	**TPY**	**lb/hr**	**TPY**	**Not Greater Than**
EGEN01	Emergency Generator No. 1- 1100 HP, 2% Utilization [2]	26.7	2.6	0.8	0.1	3.6	0.3	0.8	0.1	5.8	0.6	20% Average
EGEN02	Emergency Generator No. 2 - 1100 HP, 2% Utilization [2]	26.7	2.6	0.8	0.1	3.6	0.3	0.8	0.1	5.8	0.6	20% Average
FLAR01	Emergency Flare - emergency and pilot use only	11.9	1.1	10.1	1.0	0.01	0.01	0.0	0.0	64.8	6.2	20% Average
FUG01	Fugitive Emissions	0.0	0.0	10.0	43.8	0.0	0.0	0.0	0.0	0.0	0.0	20% Average
Totals	**All Other Emission Units**	**67.2**	**14.6**	**21.8**	**45.5**	**7.22**	**0.71**	**1.7**	**0.8**	**78.0**	**14.4**	**20% Average**

Totals	**All Emission Units**	**110.7**	**143.0**	**23.3**	**50.0**	**9.02**	**5.6**	**22.1**	**60.9**	**131.1**	**170.7**	**20% Avg.**

[1] TURB01, TURB02, and TURB03 are subject to an emissions cap and limited to a total annual runtime of 17,712 hours combined. Applicant must show compliance with the turbine emissions cap for NOx, SOx, VOC, PM10, CO, and HAPs.

[2] Emission rates based on a maximum operation of 192 hrs/yr.

Table 4 -- Hazardous Air Pollutant Potential Emission
Gulf Landing Project

Emission Unit Id.	**Hazardous Air Pollutant** (tons per year)									
	Formaldehyde	Napthalene	Benzene	Acrolein	Toluene	Acetaldehyde	Ethyl benzene	1,3 Butadiene	Xylenes	Propylene Oxide
TURB01	2.5	0.000934	0.00862	0.00460	0.0934	0.0287	0.0230	0.000309	0.0460	0.0208
TURB02	2.5	0.000934	0.00862	0.00460	0.0934	0.0287	0.0230	0.000309	0.0460	0.0208
TURB03	0.1	0.00002	0.000189	0.000101	0.00205	0.000630	0.000504	0.00000677	0.00101	0.000457
HEAT01	0.0	0.0000509	0.000175	0.0	0.000284	0.0	0.0	0.0	0.0	0.0
EGEN01	0.0	0.0000961	0.000574	0.00000583	0.000208	0.0000186	0.0	0.0	0.000143	0.0
EGEN02	0.0	0.0000961	0.000574	0.00000583	0.000208	0.0000186	0.0	0.0	0.000143	0.0
FLAR01	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0084
FUG01	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total (tpy)	5.1	0.0021311	0.018752	0.00931266	0.18955	0.0580672	0.046504	0.00062477	0.093296	0.050457

IX. PERMIT MONITORING/TESTING REQUIREMENTS.

The Gulf Landing Project, Gulf of Mexico permit application was reviewed for compliance with Title I and Title V of the Clean Air Act. Based on the information provided by Gulf Landing LLC in their application, it will also be subject to the following permit requirements:

a. The amount of natural gas burned in emission units TURB01, TURB02, and TURB03 may not exceed the following at the maximum heat input of 164 million British thermal units/hour (MM BTU/hr):

TURB01 - 3.74 million standard cubic feet/year (MMSCF/yr);
TURB02 - 3.74 MMSCF/yr; and
TURB03 - 0.0821 MMSCF/yr.

b. The amount of natural gas burned in emission units HEAT01 may not exceed the following at the maximum heat input of 20 MM BTU/hr:

HEAT01 - 0.457 MMSCF/year.

c. The amount of diesel burned in emission units EGEN01, EGEN02 may not exceed the following at the maximum heat input of 145,000 BTU/gal at 0.4% weight sulfur:

EGEN-01 - 2,763 gal/year; and
EGEN-02 - 2,763 gal/year.

d. The amount of natural gas burned in emission unit FLAR01 may not exceed the following at the maximum heat input of 175 MM BTU/hr:

TURB01 - 0.0876 MMSCF/year.

e. Performance Testing Requirements

Gulf Landing LLC must comply with the following performance testing requirements. Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility, performance tests(s) must be conducted and a written report of the performance testing results furnished to the EPA. In accordance with 40 CFR § 60.335, the owner or operator must use as reference methods and procedures the test methods in appendix A of Part 60. Performance tests must be conducted and data reduced in accordance with the test methods and procedures contained in 40 CFR Part 60, Subpart GG, specifically the standard for nitrogen oxides at 40 CFR § 60.332 and the standard for sulfur dioxide at 40 CFR § 60.333.

f. Monitoring requirements for PM10, SO_2, NO_x, CO and VOC

Gulf Landing LLC must comply with all applicable requirements listed in Tables 1, 2, 3, 4 and 5. Failure to comply with any of the applicable requirements or compliance monitoring devices, activities, or methods listed in Tables 1, 2, 3, 4 and 5 will represent a violation of this permit.

(i) Gulf Landing LLC must demonstrate compliance with the opacity and PM10 emission limits of this permit by visually inspecting Emission Units TURB01, TURB02, TURB03, HEAT01, EGEN01, EGEN02, and FLAR01 for visible emissions on a weekly basis. If visible emissions are detected, then, as soon as possible, but not later than one hour after detection, Gulf Landing LLC must conduct a six-minute opacity reading in accordance with EPA Reference Method 9. Records of visible emission checks must include the emission point ID number, the date the visual check was performed, a record if visible emissions were detected, and a record and results of any Method 9 testing conducted. These records must be kept on site and available for inspection.

(ii) Gulf Landing LLC must demonstrate compliance with the SO_2 and NO_X limits of this permit by performing stack tests once per year on Emission Units TURB01, TURB02, TURB03, HEAT01, and FLAR01. These stack tests must be repeated after each major overhaul. The following test methods and procedures from New Source Performance Standards, 40 CFR Part 60, Appendix A, must be used:

(A) NO_X, and SO_2 by methods and procedures specified by 40 CFR 60.48a(f) and 60.335(c) (Methods 19 and 20).

(iii) Gulf Landing LLC must demonstrate compliance with PM10 by performing an initial stack test on Emission Units TURB01, TURB02, TURB03, EGEN01, EGEN02, HEAT01, and FLAR01. The following test methods and procedures must be used:

(A) PM10 by Method 201 of 40 CFR Part 51, Appendix M -- Determination of PM10 emissions using exhaust gas recycle procedure (measures total noncondensible PM10);

(B) PM10 by Method 201A of 40 CFR Part 51, Appendix M -- Determination of PM10 emissions using constant sampling rate procedure (measures total noncondensible PM10);

(C) PM10 by Method 202 of 40 CFR Part 52, Appendix M -- Determination of Condensible Particulate Emissions from Stationary Sources (measures total condensible PM10).

(iv) Gulf Landing LLC must demonstrate compliance with the opacity limits of this permit once per year on Emission Units TURB01, TURB02, TURB03, HEAT01,

and FLAR01. These tests must be repeated after each major overhaul. The following test method and procedure from New Source Performance Standards, 40 CFR 60, Appendix A, must be used:

(A) Opacity by Method 9 - Visual Determination of Opacity of Emissions from Stationary Sources.

(v) Gulf Landing LLC must demonstrate compliance with the CO and VOC emission limits of this permit, as applicable, by performing stack tests once per year on Emission Units TURB01, TURB02, TURB03, HEAT01, and FLAR01. These stack tests must be repeated after each major overhaul. The following test methods and procedures from New Source Performance Standards, 40 CFR Part 60, Appendix A, must be used:

(A) Carbon Monoxide by Method 10 - Determination of Carbon Monoxide Emissions from Stationary Sources;

(B) VOC by Method 25A - Determination of Total Gaseous Organic Concentration using a Flame Ionization Analyzer.

g. Operational Flexibility

The draft permit for Gulf Landing LLC does not contain provisions that allow for operational flexibility since the facility did not request a need for such a Title V permit provision in its permit application. Operational flexibility means that units are permitted to operate under multiple operating conditions. The applicable requirements for each operating condition are different, and are determined by differing unit attributes.

h. Permit Shield

An operating permit applicant has the opportunity to specifically request a permit shield to document that specific applicable requirements do not apply to emission units in the permit. A permit shield is a special condition stating that compliance with the conditions of the permit will be deemed compliance with the specified potentially applicable requirements. The facility did not request a Title V permit shield in its application.

X. REPORTING REQUIREMENTS.

a. Gulf Landing LLC must submit to the EPA Regional Office all reports of any required monitoring under this permit every six months following the anniversary of permit issuance. Reports must include 1) Fuel flow/consumption records showing monthly and yearly average of fuel usage; and 2) Repair and maintenance records of the emission units identified in the permit.

Reports must also include repair and maintenance records of the emission units identified in the permit. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with Section IV.F.(a) of this permit. See Reporting Form "SIXMON" at http://www.epa.gov/air/oaqps/permits/p71forms.html .

"Deviation" means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or through review of data obtained from any testing, monitoring, or recordkeeping. For a situation lasting more than 24 hours which constitutes a deviation, each 24 hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:

(i) Emissions exceed an emission limitation or standard;

(ii) Process or emissions control device parameter values indicate that an emission limitation or standard has not been met;

(iii) Observations or data collected demonstrate noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit; or

(iv) An exceedance or an excursion, as defined in 40 CFR Part 64, occurs.

(v) Gulf Landing LLC must promptly report to the EPA Regional Office deviations from permit requirements, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. "Prompt" is defined as follows:

(A) Any definition of "prompt" or a specific timeframe for reporting deviations provided in an underlying applicable requirement as identified in this permit; or

(B) Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations will be submitted based on the following schedule:

(1) For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence;

(2) For emissions of any regulated air pollutant, excluding a hazardous

air pollutant or a toxic air pollutant that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours;

(3) For all other deviations from permit requirements, the report must be submitted with the semi-annual monitoring report required in paragraph (a) of this section.

A written notice, certified consistent with Section IV.F. of this permit, must be submitted within 10 working days of the occurrence. All deviations reported under this section must also be identified in the 6-month report required under paragraph (a) of this section. EPA has developed a form "PDR" for prompt deviation reporting. The form may be found at http://www.epa.gov/air/oaqps/permits/p71forms.html .

b. If for any reason Gulf Landing LLC does not comply with, or will not be able to comply with, the emission limitations specified in this permit, Gulf Landing LLC must provide the EPA Region 6 Air Enforcement Section with a written report as specified below.

(i) A written report must be submitted within 7 days of any emission in excess of permit requirements by an amount greater than the Reportable Quantity established for that pollutant in LAC 33.I.Chapter 39.

(ii) A written report must be submitted within 7 days of the initial occurrence of any emission in excess of permit requirements, regardless of the amount, where such emission occurs over a period of seven days or longer.

(iii) A written report must be submitted quarterly to address all emission limitation exceedances not included in paragraphs 1 or 2 above. The schedule for submittal of quarterly reports is no later than the dates specified below for any emission limitation exceedances occurring during the corresponding specified calendar quarter:

(A) Report by June 30 to cover January through March
(B) Report by September 30 to cover April through June
(C) Report by December 31 to cover July through September
(D) Report by March 31 to cover October through December

c. Each report submitted in accordance with this condition must contain the following information:

(i) Description of noncomplying emission(s);

(ii) Cause of noncompliance;

(iii) Anticipated time the noncompliance is expected to continue, or if corrected, the duration of the period of noncompliance;

(iv) Steps taken by Gulf Landing LLC to reduce and eliminate the noncomplying emissions; and

(v) Steps taken by Gulf Landing LLC to prevent recurrences of the noncomplying emissions.

d. Gulf Landing LLC must provide the EPA with a schedule containing dates/times when the vessels carrying LNG will be docking at the terminal to offload the LNG. This information must be included with the semi-annual report that Gulf Landing LLC submits to the EPA reporting any required monitoring under this permit which is to be submitted every six months following the anniversary of permit issuance. Any change to the schedule submitted with the semi-annual report must be provided to the EPA Regional office no later than 30 days before the earlier of the scheduled or actual date of arrival at the terminal.

XI. RECORD KEEPING REQUIREMENTS.

a. Gulf Landing LLC must comply with the following generally applicable recordkeeping requirements for significant units TURB01, TURB02, TURB03, HEAT01, EGEN01, EGEN02, and FLAR01. Gulf Landing LLC must keep records of required monitoring information that include the following:

(i) The date, place, and time of sampling or measurements;

(ii) The date(s) analyses were performed;

(iii) The company or entity that performed the analyses;

(iv) The analytical techniques or methods used;

(v) The results of such analyses; and

(vi) The operating conditions as existing at the time of sampling or measurement.

b. Gulf Landing LLC must retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application for all significant units. Support information includes all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.

c. Gulf Landing LLC must keep records on all repair and maintenance activities performed on all emission units. These records must identify the relevant emission unit and describe the

work performed.

d. The fuel flow/consumption for emission units TURB01, TURB02, TURB03, HEAT01, EGEN01, EGEN02, and FLAR01 must be recorded on a monthly basis.

e. The records of fuel consumption must be maintained for emission units TURB01, TURB02, TURB03, HEAT01, EGEN01, EGEN02, and FLAR01.

f. Gulf Landing LLC must keep copies of all records for at least two years, for the following insignificant units identified in the permit application: One diesel storage tank [849.82m^3 (224,500gal)]. The records must be readily accessible and must show the storage vessel dimensions and an analysis showing the storage vessel capacities.

g. Gulf Landing LLC must keep records of the serial numbers for each emission unit and submit that information to EPA as the equipment is purchased. A change in serial numbers should also be reflected in the report submitted to EPA.

h. The owner/operator of any storage facility must maintain records to verify compliance with or exemption from LAC 33:III.2103. The records must be maintained for at least two years and include the following:

(i) The date and reason for any maintenance and repair of the applicable control devices and the estimated quantity and duration of volatile organic compound emissions during such activities.

(ii) The results of any testing conducted in accordance with the provisions specified in LAC 33:III.2103.H.

(iii) Records of the type(s) of VOC stored and the average monthly true vapor pressure of the stored liquid for any storage vessel with an external floating roof that is exempt from the requirements for a secondary seal and is used to store VOCs with a true vapor pressure greater than 1.0 psia.

XII. BASIS FOR APPLICABLE REQUIREMENTS.

The permit application was reviewed to determine applicability of the following regulatory requirements which are summarized in Table 5 below. Details of each regulatory program follow Table 5.

Table 5

Regulatory Program	Definition	Applicability
Title I	NSPS - Standards of Performance for New Stationary Sources (40 CFR Part 60 Subparts A, GG and Kb)	Yes
	NAAQS	Yes
	Minor New Source Review permit	Yes
	EPA-approved Louisiana SIP	Yes
	PSD permit (40 CFR § 52.21)	No
	NESHAP - National Emission Standards for Hazardous Air Pollutants for Source Categories (40 CFR Part 63 Subparts YYYY, HHH, JJJJ, and DDDDD)	No
	Nonattainment New Source Review permit (40 CFR Part 51, Subpart I)	No
LDEQ Environmental Regulatory Code Title 33, Part III	Chapter 5 Permit Procedures Chapter 9 General Regulations on the Control of Emissions and Emission Standards Chapter 11 Control of Emissions of Smoke Chapter 13 Emission Standards for Particulate Matter Chapter 15 Emission Standards for SO_2 Chapter 17 Control of Emissions of CO Chapter 21 Control of Emissions of Organic Compunds Chapter 22 Control of Emissions of NOx Chapter 29 Odor Regulations Chapter 51 Comprehensive Toxic Air Pollutant Emission Control Program	Yes Yes Yes Yes Yes Yes Yes No No No
Title IV	Acid Deposition Control	No
Title V	EPA-approved Louisiana Operating Permit Program in LAC 33:III.507	Yes
Title VI	Stratospheric Ozone Protection	Yes

a. Based on the information provided by Gulf Landing LLC in their application, the facility is subject to the following applicable requirements for the following reasons:

Federal New Source Performance Standards (NSPS)

- 40 CFR Part 60, Subpart A: General Provisions. This subpart applies to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication of any standard in part 60. The general provisions under subpart A apply to sources that are subject to the specific subpart of part 60. NSPS Subpart GG, "Standards for Stationary Gas Turbines," applies to facilities with a heat input at peak load equal to or greater than 10 million Btu/hour. NOx and SO_2 emission restrictions apply.

- Gulf Landing LLC is subject to the requirements of 40 CFR Part 60, Subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced After July 23, 1984, as it applies to the source for such conditions as emission units, emission limits testing, equipment standards, equipment testing and monitoring, monitoring conditions, recordkeeping and reporting, and facility wide operating conditions.

    - Gulf Landing LLC must keep copies of all records for at least two years, for the following insignificant units identified in the permit application: One diesel storage tank [849.82m^3 (224,500gal)]. The records must be readily accessible and must show the storage vessel dimensions and an analysis showing the storage vessel capacities.

National Ambient Air Quality Standards (NAAQS)

The permit applicant's emissions were evaluated against the NAAQS standards. The emissions for the applicable pollutants are not expected to adversely impact any onshore non-attainment areas, interfere with any non-attainment area's rate of progress requirements, or any onshore attainment area's PSD increments, based on the proposed location of the facility, approximately 38 nautical miles off the coast of Louisiana in the Gulf of Mexico.

New Source Review (NSR) Requirements

A federal review process was established in accordance with Title I of the Clean Air Act. After consideration of the attainment status of the adjacent coastal areas and analysis of other relevant factors, EPA has determined that this section is not applicable to this facility. Instead, the Terminal will be permitted as a minor new source because the criteria pollutants present in the emissions are limited below the threshold amount of 250 tons per year and therefore the facility is not classified as a major stationary source for Prevention of Significant Deterioration (PSD). As stated earlier, EPA has determined that this facility is not a PSD source of the category "fuel conversion plant" found in LAC Title 33, Part III, Section 509, Table A, and in 40 CFR § 52.21. Since the proposed facility does not fall under this or any other of the listed PSD source categories, the applicable PSD major source

threshold is 250 tpy. Therefore, the facility is a minor new source. The proposed conditions of the minor NSR permit are derived from the EPA-approved Louisiana State Implementation Plan, as well as the Federal NSPS requirements. EPA is proposing the Federal submittal addresses and the Federal minor NSR permit appeal procedures.

State Implementation Plan - LDEQ Environmental Reg. Code (LAC Title 33, Part III)

- Chapter 5, Section 503 - Minor Source Permit Requirements - The owner or operator of each source of air contaminants to which this Chapter applies must comply with the general duty to operate in accordance with a permit established in LAC 33:III.501.

- Chapter 5, Section 504 - Nonattainment New Source Review Procedures - After consideration of the attainment status of the adjacent coastal areas and analysis of other relevant factors, EPA has determined that this section is not applicable to this facility.

- Chapter 5, Section 507 - Part 70 Operating Permits Program - Any *major source* as defined in LAC 33:III.502 of this chapter must obtain a Part 70 Operating Permit. This source is a major source of air pollutants, and therefore must comply with this Section.

- Chapter 5, Section 509 - Prevention of Significant Deterioration - This source does not meet the definition of *major stationary source* found in LAC 33:III.509, and therefore is not required to comply with the requirements of this section.

- Chapter 9, Section 913 - New Sources to Provide Sampling Ports - New sources must provide necessary sampling ports in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants.

- Chapter 9, Section 915.D - Emission Monitoring Requirements, Exemptions - Exemption from the requirement in 915.A is hereby granted to any source which is subject to a NSPS standard promulgated in 40 CFR Part 60. This source is subject to 40 CFR Part 60 Subpart GG, and therefore the provisions of this section do not apply.

- Chapter 9, Section 921 - Stack Heights - This source will not seek credit for any control associated with utilizing a stack which exceeds good engineering practice (GEP) stack height as defined in LAC 33:III.921.A.

- Chapter 9, Section 929 - Violation of Emission Regulations Cannot be Authorized - The permit does not authorize Gulf Landing to cause or contribute to the violation of an NAAQS or emission standard included in LAC 33.III.

- Chapter 11, Section 1101.B. - Control of Air Pollution from Smoke - The emission of smoke from any combustion unit (other than a flare) must be controlled so that the shade or appearance of the emission is not darker than 20% average opacity as to obscure vision to a degree equivalent; except during the cleaning of a fire box or building of a new fire, soot blowing or lancing, charging of an incinerator, equipment changes, ash removal or rapping of precipitators, which may have an opacity in excess of 20% or not more than one six-minute period in any 60 consecutive minutes as determined by approvable methods in 40 CFR Part 60, Appendix A.

- Chapter 11, Section 1105.A. - Smoke from Flaring - The emission of smoke from a flare or other similar device used for burning in connection with pressure valve releases for control over process upsets must be controlled so that the shade or an appearance of the emission does not exceed 20 percent opacity for a combined total of six hours in any 10 consecutive days.

- Chapter 13, Section 1311.C. - Emission Standards for Particulate Matter - The emission of particulate matter must be controlled so that the shade or appearance of the emission is not denser than 20% average opacity; except emissions may have an average opacity in excess of 20% for not more than one six-minute period in any 60 consecutive minutes. (Complies by using natural gas as fuel.)

- Chapter 13, Section 1313.C. - Emissions from Fuel Burning Equipment - No person may cause, suffer, allow or permit the emission of particulate matter to the atmosphere from any fuel burning equipment in excess of 0.6 pounds per million BTU of heat input.

- Chapter 15, Section 1503 - Emission Limitations - SO2 emitted from this facility will not exceed 2,000 ppm by volume for any three consecutive hour period.

- Chapter 15, Section 1511 - Continuous Emissions Monitoring - SO2 emissions will not exceed 100 tpy, therefore, continuous emissions monitoring is not required.

- Chapter 15, Section 1513 - Recordkeeping and Reporting - Data will be recorded and retained at the site for at least two years to show compliance with or exemption from these provisions in this Chapter.

- Chapter 21, Section 2103.A. - Storage of Volatile Organic Compounds - No person may place, store or hold in any stationary tank, reservoir or other container of more than 250 gallons (950 liters) and up to 40,000 gallons (151,400 liters) nominal capacity any volatile organic compound, having a true vapor pressure of 1.5 psia or greater at storage conditions, unless such tank, reservoir or other container is designed and equipped with a submerged fill pipe or a vapor loss control system or is

a pressure tank capable of maintaining working pressures sufficient at all times under normal operating conditions to prevent vapor or gas loss to the atmosphere. (Applies to the diesel storage tank.)

- Chapter 21, Section 2103.H. - Storage of Volatile Organic Compounds - True vapor pressure must be determined by ASTM Test Method D323-82 for the measurement of Reid vapor pressure, adjusted for actual storage temperature in accordance with API Publication 2517, Third Edition, 1989. (Applies to the diesel storage tank.)

- Chapter 21, Section 2103.I.3. thru 5. - Storage of Volatile Organic Compounds - Monitoring/Recordkeeping/Reporting - The owner/operator of any storage facility must maintain records to verify compliance with or exemption from LAC 33:III.2103. Applies to the diesel storage tank. The records must be maintained for at least two years and include the following:

  - The date and reason for any maintenance and repair of the applicable control devices and the estimated quantity and duration of volatile organic compound emissions during such activities.

  - The results of any testing conducted in accordance with the provisions specified in LAC 33:III.2103.H.

  - Records of the type(s) of VOC stored and the average monthly true vapor pressure of the stored liquid for any storage vessel with an external floating roof that is exempt from the requirements for a secondary seal and is used to store VOCs with a true vapor pressure greater than 1.0 psia.

- Chapter 21, Section 2121.B. thru E - Fugitive Emissions Control - Gulf Landing LLC will comply with the requirements of this section as it pertains to the LNG vaporization unit, and other equipment and emission units, to minimize equipment leaks.

- Chapter 22- Control of Emissions of Nitrogen Oxides - After consideration of the attainment status of the adjacent coastal areas and analysis of other relevant factors, EPA has determined that this chapter is not applicable to this facility.

- Chapter 29 - Odor Regulations - This source will not emit odorous substances, and therefore is not subject to the provisions in this chapter.

- Chapter 51 - Comprehensive Toxic Air Pollutant Emission Control Program - This source will not generate 10 TPY of any one toxic air pollutant (TAP), or 25 TPY of a combination of TAPs. Therefore, this source is not considered a major source as defined in this chapter, and is not subject to its provisions.

Title V

A federal review process was established in accordance with Title V of the Clean Air Act. The source's PTE for NOx and CO is over 100 tpy and made it a major source subject to the requirements of Title V. The proposed conditions of the operating permit are derived from the EPA-approved Louisiana Operating Permit Program. EPA proposes the Federal permit fee, Federal submittal addresses, and Federal operating permit appeal procedures.

Title VI

The following requirements apply to any air conditioning appliances at the source ("appliance" as defined in 40 CFR 82.152) that contain Class I or Class II refrigerants, and in an amount less than 50 pounds:

- Gulf Landing LLC must comply with the applicable standards for recycling and emissions reduction pursuant to 40 CFR part 82, subpart F, except as provided for motor vehicle air conditioners (MVACs) in subpart B:
- Persons opening appliances for maintenance, service, repair, or disposal must comply with the applicable required practices pursuant to 40 CFR 82.156.
- Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the applicable standards for recycling and recovery equipment pursuant to 40 CFR 82.158.
- Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.
- Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with recordkeeping requirements pursuant to 40 CFR 82.166(i) ("MVAC-like appliance" as defined at 40 CFR 82.152).
- Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to 40 CFR 82.156.
- Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- If Gulf Landing LLC manufactures, transforms, destroys, imports, or exports a class I or class II substance, Gulf Landing LLC is subject to all the requirements as specified in 40 CFR part 82, subpart A, Production and Consumption Controls.

- If Gulf Landing LLC performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the MVAC, Gulf Landing LLC is subject to all the applicable requirements as specified in 40 CFR part 82, subpart B, Servicing of Motor Vehicle Air Conditioners.

  The term "motor vehicle" as used in subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant.

- Gulf Landing LLC may switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR part 82, subpart G.

b. The following federally applicable requirements have been considered, but were determined to not be applicable:

Prevention of Significant Deterioration (PSD) - Major Source:

A review of the Gulf Landing Project application indicates the PTE of any pollutant regulated under the Clean Air Act [not including pollutants listed under Section 112(r)] is less than the 250 tons per year major source threshold. Therefore, PSD requirements are not applicable. The applicant accepted operational controls, and is considered a synthetic minor for PSD purposes.

Nonattainment New Source Review

After consideration of the attainment status of the adjacent coastal areas and analysis of other relevant factors, EPA has determined that nonattainment review standards are not applicable to this facility.

National Emissions Standards for Hazardous Air Pollutants (NESHAP)

40 CFR Part 61: The facility does not have any emissions units subject to a NESHAP.

Maximum Achievable Control Technology
40 CFR Part 63, Subpart A: General Provisions. This subpart contains national emissions standards for hazardous air pollutants (HAP) that regulate specific categories of sources that emit one or more HAP regulated pollutants under the Clean Air Act. The general provisions under Subpart A apply to sources that are subject to the specific subpart of part 63. Stationary gas turbines are listed among the source categories.

The proposed project is not a major source of HAPs. A major source is any contiguous area under common control of the applicant that emits or has the potential to emit considering controls, in the aggregate, at least 10 tons per year of any single HAP or 25 tons per year total HAPs. The application identified several HAPs as being present in the emissions, at a maximum combined rate of 6.5 tons per year. Because this number is well below the applicable thresholds, 40 CFR Part 63 and the parallel state requirements do not apply.

Compliance Assurance Monitoring (CAM) Rule

In accordance with 40 CFR § 64.2(a), the CAM rule applies to each Pollutant Specific Emission Unit (PSEU) that meets a three-part test. The PSEU must be 1) subject to an emission limitation or standard, and 2) use add-on control devices to achieve compliance, and 3) have a pre-control emissions that exceed or are equivalent to the Title V (250 tpy) major source threshold. The monitoring requirements outlined in 40 CFR Part 60.334 (Subpart GG) are not subject to CAM requirements since the PSEUs do not use add-on control devices to achieve compliance.

c. Conclusion

Based on the information provided in the Gulf Landing LLC application for the Gulf Landing Project, EPA has no evidence that this source is subject to any existing applicable federal or state CAA programs except those discussed in III.a. above.

XIII. Additional Requirements

In the Deepwater Port licensing process for the Gulf Landing Facility, the Coast Guard and Maritime Administration (MARAD) have assumed lead agency responsibilities for consulting with other Federal and State agencies under various Federal laws protecting the environment, natural resources, and cultural resources, including the Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, Coastal Zone Management Act, and National Historic Preservation Act. The Coast Guard and MARAD have generally integrated the analysis and consultation required under these statutes with the National Environmental Policy Act review of the project in accordance with 40 C.F.R. § 1502.25.

In June 2004 the Coast Guard/MARAD issued a draft environmental impact statement (EIS) including preliminary consultation documents and findings regarding the project's anticipated impacts. On December 3, 2004, the Coast Guard/MARAD issued a final EIS, on which EPA and other federal agencies filed comments. The Coast Guard and MARAD then supplemented the final EIS with an errata sheet and revised Appendix G made publicly available on February 10, 2005. See 70 Fed. Reg. 7115. Further, on February 16, 2005, the Administrator of MARAD issued a Record of Decision on the Gulf Landing deepwater port license application. The EIS and supplemental materials and the ROD describe the interagency consultations conducted in the course of the NEPA process.

The NEPA analysis and related consultations reflected in these documents addressed the at-sea installation and construction/operation of the deepwater port; it did not include the onshore construction of the port gravity-based structures. EPA noted in comments to the Coast Guard that the permit required under the Clean Air Act for construction and operation of the terminal cannot be issued until after full completion of consultation under the crosscutting environmental and resource management statutes. For future deepwater port projects, the Coast Guard has committed to incorporate review of all related activities into one NEPA analysis. See EIS Errata sheet noticed at 70 Fed. Reg. 7115 (Feb. 10, 2005).

EPA expects that the project-wide scope of the combined NEPA process and related consultations, once they are completed, will be broad enough to include consideration of effects that might be attributed to EPA's permit action, and EPA is thus relying on them for compliance with the federal laws at issue. Therefore, although EPA actions under the CAA are statutorily exempt from NEPA review, final issuance of this permit will depend on satisfactory completion of the consultation process in connection with the onshore construction component of the port project. If the nature of the proposed facility changes as a result of future review and licensing decisions, the applicant may be required to submit a request for permit modification. Final issuance of this permit will, however, depend on satisfactory completion of the consultation process in connection with the onshore construction component of the port project.

None of the consultations completed to date has identified significant issues related to air quality (except that the preferred NOAA Fisheries closed-loop alternative would have altered the air emissions of the project and probably required submission of a revised air permit application). Nor have the consultations resulted in any conclusion by the Coast Guard/MARAD that the project would result in unacceptable environmental impacts. Additional information regarding consultations under the Endangered Species Act and Magnuson-Stevens Fishery Conservation and Management Act follows:

- **Endangered Species Act.** The project's potential effects on threatened and endangered species are evaluated in the final EIS, which discusses the consultation process at Section 4.2.3 and Appendix C. The Coast Guard/MARAD received comments from the U.S. Fish and Wildlife Service in letters dated April 19, 2004, and June 2, 2004, regarding potential impacts on endangered and threatened species under its jurisdiction. NOAA Fisheries provided its ESA consultation comments in a letter dated December 30, 2004. Based on these consultations and other relevant information, the EIS concluded that "impacts associated with the proposed Port are not expected to be significant."

- **Magnuson-Stevens Fishery Conservation and Management Act.** The Coast Guard/MARAD received comments from NOAA Fisheries in a letter dated August 4, 2004, to the effect that the project is expected to "have significant direct and cumulative impacts on marine fishery resources." See also NOAA Fisheries letter of April 12, 2004. NOAA Fisheries requested that the Coast Guard and MARAD identify measures to be required to avoid, mitigate, or offset the adverse impacts of the proposed activity. The EIS documents and discusses the results of consultations to that point. See EIS section 4.2.4. Further

discussions followed the final EIS, including comments on it by NOAA Fisheries (in a letter dated January 3, 2005) and other discussions between the agencies. In those discussions, NOAA Fisheries recommended the use of a closed-loop system to address potential impacts on marine life, but USCG/MARAD concluded that "the calculated impacts, while adverse, are not significant, and therefore do not require directing the applicant to redesign its proposed system." Letter from Mark Prescott, USCG, to Miles Croom, NOAA (Feb. 7, 2005). As described in the ROD, "MARAD, the USCG, NOAA, our parent organizations, and other interest[ed] government agencies have engaged in lengthy discussions under the sponsorship of the White House Council on Environmental Quality (CEQ) in order to assure both minimal impact on essential fish habitat and the development of a successful deepwater port." ROD at 16. Based on its consultation with NOAA Fisheries, the Coast Guard/MARAD has required certain mitigation measures as conditions of the deepwater port license. Letter from Mark Prescott to Miles Croom (Feb. 7, 2005). The Administrator of MARAD concluded that these measures would "assure a minimal adverse impact to the nation's fisheries." ROD at 16.

XIV. USE OF ALL CREDIBLE EVIDENCE.

Determinations of deviations, continuous or intermittent compliance status, or violations of the permit are not limited to the testing or monitoring methods required by the underlying regulations or this permit; other credible evidence (including any evidence admissible under the Federal Rules of Evidence) must be considered by the source and EPA in such determinations.

XV. COMPLIANCE HISTORY

Since this facility has not been constructed, no noncompliance issues exist at this time.

XVI. PUBLIC NOTICE/PUBLIC PARTICIPATION.

a. Public Notice

Under Titles I and V, permits will be publicly noticed in the *Lake Charles American Press* and made available for public comment for 30 days.

There will be a 30 day public comment period for actions pertaining to a draft permit. Public notice has been given for this draft permit by mailing a copy of the notice to the permit applicant, the U.S. Coast Guard, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, Minerals Management Service, the states of Louisiana and Texas, the city and county executives, and the state and federal land managers which have jurisdiction over the area where the source is located. A copy of the notice has also been provided to all persons who have submitted a written request to be included on the mailing list. If you would like to be added to our mailing list to be informed of future actions on these or other Clean Air Act permits, please send your name and address to the contact listed below:

Shannon Snyder, Permit Contact
U.S. Environmental Protection Agency, Region 6
Air Permits Section (6PD-R)
1445 Ross Avenue, Ste. 1200
Dallas, TX 75202-2733

b. Opportunity for Comment

Members of the public may review a copy of the draft permit prepared by EPA, the application, this statement of basis for the draft permit, and all supporting materials for the draft permit. Copies of these documents are available at:

Calcasieu Parish Public Library (Central Location)
301 West Claude Street
Lake Charles, Louisiana 70605

Cameron Parish Library
498 Marshall Street
Cameron, Louisiana 70631-2016

U.S. EPA Region 6 Library
1445 Ross Avenue, Ste. 1200
Dallas, TX 75202-2733

Copies of the draft permit and this statement of basis are also available electronically on the EPA Region 6 website: http://www.epa.gov/earth1r6/6pd/air/pd-r/gulflanding-gm.pdf .

All documents will be available for review at the U.S. EPA Region 6 Library Monday through Friday from 9:00 a.m. to 12:00 p.m and 1:00 - 4:00 p.m. (excluding Federal holidays).

Any interested person may submit written comments on the draft construction and operating permit during the public comment period to the Permit Contact at the address listed in section 6.a above. All comments will be considered and answered by EPA in making the final decision on the permit. EPA will keep a record of the commenters and of the issues raised during the public participation process.

Anyone, including the applicant, who believes any condition of the draft permit is inappropriate must raise all reasonably ascertainable issues and submit all arguments supporting their position by the close of the public comment period. Any supporting materials submitted must be included in full and may not be incorporated by reference, unless the material has been already submitted as part of the administrative record in the same proceeding or consists of state or federal statutes and regulations, EPA documents of general applicability, or other generally available reference material.

c. Opportunity to Request a Hearing

A person may submit a written request for a public hearing to the Permit Contact, at the address listed in section 6.a above, by stating the nature of the issues to be raised at the public hearing. Based on the number of hearing requests received, EPA will hold a public hearing whenever it finds there is a significant degree of public interest in a draft permit. EPA will provide public notice of the public hearing. If a public hearing is held, any person may submit oral or written statements and data concerning the draft permit.

d. Appeal of Minor Preconstruction Permits

EPA's issuance of the final minor NSR permit will be a final agency action for purposes of judicial review.

e. Appeal of Operating Permits

A petition to the Environmental Appeals Board is a prerequisite to seeking judicial review of the final agency action. For purposes of judicial review, final agency action occurs when a final operating permit is issued or denied and agency review procedures are exhausted.

f. Notice to Affected States/Tribes

As required by Titles I and V, public notice will be given by mailing a copy of the notice to the air pollution control agencies of affected states, tribal and local air pollution control agencies which have jurisdiction over the area in which the source is located, the chief executives of the city and county where the source is located, any comprehensive regional land use planning agency and any state or federal land manager whose lands may be affected by emissions from the source. There were no Tribes identified that would be affected by this operation. The following state environmental agencies and their contacts have been notified:

Dr. Chuck Carr Brown, Assistant Secretary
Office of Environmental Services
Louisiana Department of Environmental Quality
P. O. Box 4301
Baton Rouge, LA 70821-4301

Mr. Steve Hagle, Special Assistant
Air Permits Division (MC-163)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087